

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Jeannette Owens,)	
)	Case. No.
Plaintiff,)	
)	
vs.)	
)	
Revenue Assistance Corporation DBA Revenue Group, et al.,)	NOTICE OF REMOVAL OF CIVIL
)	ACTION TO UNITED STATES
)	DISTRICT COURT
Defendants.)	

NOW COMES Defendant Revenue Assistance Corporation DBA Revenue Group (“hereinafter, “Revenue Group”), by and through its undersigned counsel, pursuant to 28 U.S.C. §§1331, 1334, 1441, 1446, and 1452, to remove this action from the Cleveland Municipal Court, Cuyahoga County, Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division. In support of this Notice of Removal, Defendants respectfully submit to this Honorable Court:

1. The Complaint in Jeannette Owens v. Revenue Assistance Corporation DBA Revenue Group, *et al.*, Case No. 16CVH 06621 was filed in the Cleveland Municipal Court on May 16, 2016 (“State Court Action”). A true and accurate copy of the State Court Action docket is attached as Exhibit A.

2. On May 20, 2016, pursuant to Local Rule 6.05 and Ohio Rule of Civil Procedure 4, the Clerk of Court the of the Cleveland Municipal Court (“Clerk”) sent by USPS Certified Mail the Summons and Complaint. A true and accurate copy of the Summons and Complaint is attached as Exhibit B.

3. On May 24, 2016, a bailiff served Revenue Group with nearly identical copies of the Summons and Complaint received on May 20, 2016. A true and accurate copy of the second Summons and Complaint is attached as Exhibit C.

4. The Complaint filed in the State Court Action alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, the Ohio Consumer Sales Practices Act, O.R.C. § 1345 *et seq.*, and 11 U.S.C. § 362 *et seq.* The purported violation of 11 U.S.C. § 362 *et seq.* involves a Chapter 13 bankruptcy filed in the United States Bankruptcy Court, Northern District of Ohio (Cleveland), Case No: 12-14286. A true and accurate copy of the bankruptcy docket (other than redaction for privacy), is attached as Exhibit D.

5. According to the Complaint filed in the State Court Action, “Jurisdiction of this court arises under 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d). Venue is proper in that [Revenue Group] transacts business here and the conduct complained of occurred here. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.”

6. Under 28 U.S.C. § 1331, “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

7. Under 28 U.S.C. § 1334(b), “the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11.”

8. Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

9. Under 28 U.S.C. § 1441(c)(1), an entire action that contain both federal and state law claims can be removed “if the action would be removable without the inclusion of the [state law] claim[s].”

10. Under 28 U.S.C. § 1452(a), “[a] party may remove any claim or cause of action in a civil action ... to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.”

11. Removal to federal district court is proper within 30 days after a defendant receives a “copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based....” 28 U.S.C. §1446(b)(1).

12. Accordingly, this action may be removed to this Court pursuant to 28 U.S.C. §§1331, 1334, 1441(a) and (c)(1), 1452(a) and 1446(b)(1).

13. Pursuant to 28 U.S.C. §1391, venue is proper in the United States District Court for the Northern District of Ohio, insofar as Plaintiff initially filed the State Court Action in Cleveland Municipal Court in Cuyahoga County.

14. That all Defendants in this matter who have been served with process have been contacted and concur in the filing of this Petition. Any Defendants not yet served in this action, upon being served, will be represented by the undersigned and will concur in the removal of this action.

15. In accordance with 28 U.S.C. § 1446(d), Revenue Group promptly will send a copy of this notice by U.S. Mail to Cherie A. Howard, counsel of record for Plaintiff. In addition, Revenue Group promptly will file a copy of this Notice of Removal with the Clerk of the Cleveland Municipal Court. A copy of the Notice of Filing Notice of Removal to be filed with Cleveland Municipal Court is attached hereto as Exhibit E.

16. A Civil Cover sheet and separately signed Corporate Disclosure Statement are also being filed, as required by Local Civ. R. 3.13 and Fed. R. Civ. P. 7.1, respectively.

WHEREFORE, Revenue Group hereby gives notice of its removal of this civil action from the Cleveland Municipal Court, Cuyahoga County, Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division.

Respectfully submitted,

/s/ Brian M. Dodez

BRIAN M. DODEZ (0085660)
Revenue Assistance Corporation
4780 Hinckley Industrial Parkway
Ste. 200
Cleveland, OH 44109
Telephone: 216.763.2100
Facsimile: 216.763.2152
bdodez@revenuegroup.com

*Attorney for Defendant Revenue
Assistance Corporation DBA
Revenue Group*

PROOF OF SERVICE

I hereby certify that on June 16, 2016, a copy of the foregoing was filed electronically in accordance with the Court's Electronic Filing Guidelines. A copy of the foregoing was sent via ordinary U.S. Mail, postage prepaid to the following:

Cherie H. Howard
P.O. Box 357
Youngstown, OH 44501

Attorney for Plaintiff

/s/ Brian M. Dodez
BRIAN M. DODEZ (0085660)

*Attorney for Defendant Revenue
Assistance Corporation DBA
Revenue Group*